

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CRIMINAL NO. 1:06CR10**

**UNITED STATES OF AMERICA**

**VS.**

**MICHAEL LEE DRAKE**  
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**AMENDED ORDER**

**THIS MATTER** is before the Court *sua sponte* to reschedule the hearing pursuant to the remand from the Fourth Circuit Court of Appeals directing the Court to hold a hearing for the limited purpose of determining whether or not there exists a conflict of interest between the Defendant and his appellate attorney, H. Monroe Whitesides, Jr.

**IT IS, THEREFORE, ORDERED** that this matter is hereby **RESCHEDULED** for hearing on **TUESDAY, SEPTEMBER 2, 2008, AT 10:00 AM**, at the U.S. Courthouse, Third Floor Courtroom, in Asheville, North Carolina.

The Clerk is directed to transmit this Order electronically to Mr. Whitesides, and to the United States Attorney, United States Marshal,

United States Probation Office, and to the Warden of the correctional facility where the Defendant is currently housed. A copy of the Order shall be mailed to the Defendant.

Signed: August 19, 2008

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

